

111TH CONGRESS
1ST SESSION

S. 1419

To ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2009

Mr. VITTER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Local Disaster Con-
5 tracting Fairness Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) The term “executive agency” has the mean-
9 ing given such term in section 4 of the Office of
10 Federal Procurement Policy Act (41 U.S.C. 403).

1 (2) The term “local subcontractor” means, with
2 respect to a contract, a subcontractor who has a
3 principal place of business or regularly conducts op-
4 erations in the area in which work is to be per-
5 formed under the contract by the subcontractor.

6 (3) The term “natural disaster reconstruction
7 efforts” means reconstruction efforts undertaken in
8 an area subject to a declaration by the President of
9 a major disaster under section 401 of the Robert T.
10 Stafford Disaster Relief and Emergency Assistance
11 Act (42 U.S.C. 5170).

12 **SEC. 3. FEDERAL CONTRACTING REQUIREMENTS.**

13 (a) IN GENERAL.—The head of an executive agency
14 may not enter into an agreement for debris removal or
15 demolition services in connection with natural disaster re-
16 construction efforts unless the agreement specifies that—

17 (1) all of the work under the contract will be
18 performed by the prime contractor or 1 or more sub-
19 contractors at 1 tier under the contract;

20 (2) any work performed under the contract by
21 subcontractors will be performed by local sub-
22 contractors, except to the extent that local sub-
23 contractors are not available to perform such work;

1 (3) the prime contractor will act as the project
 2 manager or construction manager for the contract;
 3 and

4 (4) the prime contractor—

5 (A) has primary responsibility for man-
 6 aging all work under the contract; and

7 (B) is to be paid a certain percentage of
 8 the overall value of the contract as sole com-
 9 pensation for assuming the risk associated with
 10 such responsibility.

11 (b) PREFERENCE FOR SUBCONTRACTORS AFFECTED
 12 BY NATURAL DISASTERS.—In entering into an agreement
 13 for debris removal or demolition services in connection
 14 with natural disaster reconstruction efforts, the head of
 15 an executive agency shall give a preference in the source
 16 selection process to each offeror who certifies that any
 17 work that is to be performed under the contract by sub-
 18 contractors will be performed by local subcontractors.

19 **SEC. 4. APPLICABILITY.**

20 The requirements under section 3 shall apply to
 21 agreements entered into on or after the date of the enact-
 22 ment of this Act.

○